

**EXHIBIT M**

**DEPOSITION TRANSCRIPT  
FRANCIS KOMYKOSKI**

*(Relevant Pages Only)*

COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA



RICHARD C. SMITH  
PLAINTIFF

: NO. 1:08-CV-1397

: CIVIL ACTION - LAW

VS.

: JURY TRIAL DEMANDED

PRIME CARE MEDICAL, INC,  
CARL A. HOFFMAN, JR, D. O.,  
THERESA M. HOFFMAN,  
JOSHUA D. LOCK, MARCY  
HOFFMAN-SCHLEGEL, FRANK  
KOMYKOSKI, AND KNIGHTS OF  
VON DUKE, LTD.

DEFENDANTS

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:

DEPOSITION OF: FRANCIS JOHN KOMYKOSKI, SR.

TAKEN BY: PLAINTIFF

BEFORE: KAY C. WILLIAMS, RPR,  
NOTARY PUBLIC

DATE: JUNE 4, 2009, 10:05 A.M.

PLACE: CLARK & KREVSKY  
20 ERFORD ROAD  
SUITE 300A  
LEMOYNE, PENNSYLVANIA

1 A Yes, I did hear that.

2 Q Did you play any role in assembling these  
3 particular documents in response to that request?

4 A No, sir.

5 Q Are you aware that there was anything in  
6 writing from West Virginia, either the Regional Jail  
7 Authority or the Division of Juvenile Services or both  
8 alleging in any manner that Prime Care had failed to provide  
9 hours as contractually required?

10 A No, no written document.

11 Q You know that for a fact that there isn't  
12 or --

13 A I do not know that for a fact. I'm not aware  
14 of any written document up until today when I saw this from  
15 Becky Davis. If possible, in about five minutes, can I  
16 possibly have a bathroom break?

17 MR. CLARK: You can take a break right now.

18 (Recess.)

19 (Document dated April 25, 2008, marked Exhibit  
20 Number 4.)

21 BY MR. CLARK:

22 Q I'm going to hand you a document that's marked  
23 Exhibit Number 4. Can you identify that?

24 A Yes.

25 Q It's an e-mail that you sent on April 25,

1 2008, correct?

2 A That's correct.

3 Q You sent it to several dozen recipients,  
4 correct?

5 A Correct.

6 Q Some employed by Prime Care, some not employed  
7 by Prime Care, correct?

8 A That's correct.

9 Q The e-mail says, All, this is to inform you  
10 that Richard C. Smith is no longer associated in any  
11 capacity with Prime Care Medical, Inc., Prime Care Medical  
12 of West Virginia Inc., or its subsidiaries. Mr. Smith  
13 walked off the job as of March 14, 2008.

14 At this point it should be considered that  
15 Mr. Smith's interests are adverse to ours. Please report  
16 any contact you have with Mr. Smith or information you gain  
17 of him contacting our customer/clients to me directly. If  
18 you have any questions, please contact me. As more  
19 information becomes available, we will share the same with  
20 you on a need-to-know basis, with your signature?

21 A Correct.

22 Q That's the e-mail that you sent these people?

23 A Yes.

24 Q What information do you have that  
25 Mr. Smith, "walked off the job as of March 14, 2008"?

Subject: Status of Richard C. Smith

Date: Fri, 25 Apr 2008 15:04:02 -0400

From: "Frank Komykoski, MBA, CCHP" <fkomykoski@primecaremedical.com>

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CC: "Carl Hoffman, Jr., D.O., CCHP" <choffman@primecaremedical.com>, "Theresa Hoffman" <thoffman@primecaremedical.com>

All,

This is to inform you that Richard C. Smith is no longer associated in any capacity with PrimeCare Medical, Inc., PrimeCare Medical of West Virginia, Inc. or its subsidiaries. Mr. Smith walked off the job as of March 14, 2008.

At this point it should be considered that Mr. Smith's interests are adverse to ours. Please report any contact you have with Mr. Smith or information you gain of him contacting our customers / clients to me directly.



If you have any questions please contact me. As more information becomes available we will share the same with you on a need to know basis.

Frank

*F. J. Komykorki, MBA, CCHP*

Vice President of Operations

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1 STATE OF PENNSYLVANIA : ss  
2 :  
3 COUNTY OF DAUPHIN :  
4

5 I, Kay C. Williams, a Reporter Notary-Public,  
6 authorized to administer oaths within and for the  
7 Commonwealth of Pennsylvania and take depositions in the  
8 trial of causes, do hereby certify that the foregoing is the  
9 testimony of

10 FRANCIS JOHN KOMYKOSKI

11 I further certify that before the taking of  
12 said deposition, the witness was duly sworn; that the  
13 questions and answers were taken down stenographically by  
14 the said reporter, Kay C. Williams, Reporter Notary-Public,  
15 approved and agreed to, and afterwards reduced to  
16 typewriting under the direction of the said reporter.

17 I further certify that the proceedings and  
18 evidence contained fully and accurately in the notes by me  
19 on the within deposition, and that this copy is a correct  
20 transcript of the same.

21 In testimony whereof, I have hereunto  
22 subscribed my hand this 16<sup>th</sup> day of June, 2009.

23 Kay C. Williams  
24 Kay C. Williams, RPR  
25 Notary Public

My commission expires:  
August 5, 2012